

2000 OCT 25 P 3:25

PLEASE RESPOND: Washington Address

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October 25, 2000

N. Bradley Litchfield  
Associate General Counsel for Policy  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

AOR 2000-34

OCT 26 10 28 AM '00

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: Advisory Opinion Request

Dear Mr. Litchfield:

On behalf of SAPPI Fine Paper North America/S.D. Warren Company (the "Company"), otherwise known as SAPPI Fine Paper North America, we hereby request an advisory opinion pursuant to the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 437f, and Federal Election Commission ("FEC" or "the Commission") regulations, 11 C.F.R. § 112. Specifically, we request that the Commission confirm that the Company may use "SAPPI Fine Paper North America/S.D. Warren Company Political Action Committee" as its official name, and use the acronym SAPPI PAC in its common use, such as on checks and letterhead.

S.D. Warren Company is a leading manufacturer of fine-quality, coated woodfree paper. The Company was acquired by SAPPI Limited in 1994, and continued to be known in the trade as S.D. Warren Company until 1998. In 1998, the parent company renamed all of its subsidiaries to incorporate the SAPPI name. Accordingly, S.D. Warren Company and its subsidiaries filed the appropriate trade name applications with the Secretary of State in several states (e.g., Missouri, Maryland, Minnesota, Pennsylvania, Texas, New Hampshire, and Illinois) (see attached document) and was granted authorization to use the trade name "SAPPI Fine Paper North America." In addition, SAPPI has filed a trademark application with the U.S. Patent and Trademark Office for use of the "SAPPI" name.

SAPPI intends to organize SAPPI PAC as a separate segregated fund pursuant to 2 U.S.C. 441b(b)(2)(C). The connected organization of SAPPI PAC will be S.D. Warren Company.<sup>1</sup>

<sup>1</sup> A connected organization is one which is not a political committee, but which directly or indirectly establishes, administers or financially supports a political committee. 2 U.S.C. § 431(7); 11 C.F.R. § 100.6(a) and (c).

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**The Full Name of Any Connected Organization Must Be Part of the Official Committee Name**

As set forth by statute and applicable FEC regulations, and as the Commission has recognized in several previous advisory opinions, the official name of a separate segregated fund of an organization must include the full name of its connected organization. 2 U.S.C. § 432(e)(5); 11 C.F.R. § 102.14(c). *See also* FEC Advisory Opinion 1999-20, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 6299, FEC Advisory Opinion 1993-7, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 6088. The organization may not use only a portion of its name for its separate segregated fund ("SSF"), but instead must include the legal name of the organization in its entirety. FEC Advisory Opinion 1988-42, [1976-1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) ¶ 5942, FEC Advisory Opinion 1980-10, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5467.

In addition to the use of the connected organization's full name for official purposes, the SSF may use an acronym or abbreviation in its common use, so long as the SSF's official name is used in all disclosure statements. 11 C.F.R. § 102.14(c) *See also* FEC Advisory Opinion 1999-20, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 6299, FEC Advisory Opinion 1993-7, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 6088, FEC Advisory Opinion 1987-26, [1976-1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) ¶ 5905.

Accordingly, SAPPI intends to use its full name in the name of the SSF, i.e. SAPPI Fine Paper North America/S.D. Warren Company Political Action Committee. It intends to use this name in its Statement of Organization and in all disclosure statements required pursuant to 2 U.S.C. § 441d.

**A Separate Segregated Fund May Also Use An Acronym So Long As It Is Clearly Recognizable and Readily Associated with the Connected Organization**

The Commission has consistently permitted PACs to use acronyms outside of official statements so long as the acronym used is "a clearly recognized abbreviation or acronym by which the connected organization is commonly known." 11 C.F.R. § 102.14(c); FEC Advisory Opinion 1980-23, [1976-1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) ¶ 5476. The Commission has recognized that use of an abbreviation in public materials and marketing materials is evidence that such abbreviation is "clearly recognized" within the meaning of FEC regulations. FEC Advisory Opinion 1999-20, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 6299 (authorizing the use of an abbreviation which had been used as a trademark as well as on the company's web site).

The use of the SAPPI name is widespread in all of SAPPI's marketing materials (see attached documents). SAPPI also uses the name "SAPPI Fine Paper North America" on all of its business identification materials, such as letterhead and business cards. As a matter of trade, SAPPI's business partners no longer regularly associate the name S.D.

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

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Warren Company with SAPPI. The fact that S.D. Warren Company also has submitted filings indicating that it does business under the name SAPPI Fine Paper North America, and that SAPPI has a pending application for the SAPPI trademark, further demonstrates that the Company is recognized primarily by the SAPPI name.

Accordingly, the Company proposes the name SAPPI Fine Paper North America/S.D. Warren Company Political Action Committee as its official name and SAPPI PAC as the acronym by which it is known. We believe that the use of these names is consistent with the requirements of FECA, applicable FEC regulations and the Commission's long line of advisory opinions regarding this matter.

If you require any additional information to respond to this request, please do not hesitate to contact me.

Sincerely,



Brett G. Kappel

For Powell, Goldstein, Frazer & Murphy LLP

9974-151

Ficr, film Number \_\_\_\_\_

Filed with the Department of State on OCT 12 1999

Entity Number 2962913

*Kim Duggan*  
Secretary of the Commonwealth

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

DSCB:54-311 (Rev 90)

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is: SAPPI Fine Paper North America

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is:  
Manufacturing of coated and uncoated paper

3. The address, including number and street, if any, of the principal place of business of the business or other activity to be carried on under or through the fictitious name is (P.O. Box alone is not acceptable):  
225 Franklin Street      Boston      MA      02110      Suffolk  
Number and Street      City      State      Zip      County

4. The name and address, including number and street, if any, of each individual interested in the business is:  
Name      Number and Street      City      State      Zip  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Each entity, other than an individual, interested in such business is (are):

Name	Form of Organization	Organizing Jurisdiction	Principal Office Address	Pa. Registered Office, if any
<u>S.D. Warren Company</u>		<u>PA</u>	<u>225 Franklin Street</u> <u>Boston MA 02110</u>	<u>1635 Market Street</u> <u>Philadelphia PA</u> <u>19087</u>

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. (Optional): The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):  
\_\_\_\_\_

OCT 12 99

PA Dept. of State

9974-152

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

S.D. Warren Company  
\_\_\_\_\_  
(Name of Entity)

BY: \_\_\_\_\_

JENNIFER A. MILLER  
V.P. PRESIDENT AND SECRETARY

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Name of Entity)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

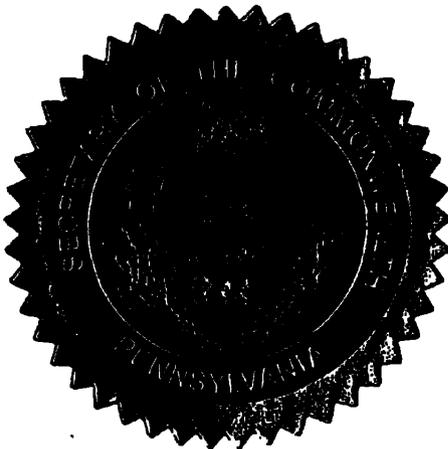
OCTOBER 17, 2000

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

SAPPI FINE PAPER NORTH AMERICA

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Fictitious Name Registration

which appear of record in this department



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

*Kim Pizzingrilli*

Secretary of the Commonwealth

DPOS

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# sappi

The word for fine paper

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The word for fine paper

Sappi Fine Paper North America S.D. Warren Services Company 225 Franklin Street Boston, MA 02110  
Telephone 1.800.882.IDEA [www.ideaexchange.sappi.com](http://www.ideaexchange.sappi.com) © 2000 S.D. Warren Services Company

# COATED WOOD FREE WEB NORTH AMERICAN MILLS

## 2000 GRADE COMPARATOR

Mill	Premium	Number 1	Number 2	Number 3	Number 4
Sappi	Strobe Gloss (R)	Lustro Gloss (R)	Aero	Somerset Gloss (R)*	Belgrade
	Strobe Dull (R)	Lustro Dull (R)	Opus Gloss (R)	Somerset Matte (R)*	
	Strobe Silk (R)	Lustro Dull Cream (R)	Opus Dull	Somerset GF6 (R)*	
Appleton		Utopia One	Opus Matte (R)	Utopia Three	
Champion		Preference	Utopia Two	Velocity	Medlaweb (GW)
			Savvy	Influence	Sunweb (GW)
Consolidated	Reflections	Centura	Consoweb Brilliant	Orion	Capri (GW)
International				Accolade	Spartan (GW)
Mead		Signature	Mead	Expressions	Liberty Hi Britle (GW)
				Northcote	Saratoga (GW)
Pottlatch	McCoy	Vintage	Northwest	Vision	Escanaba (GW)
		Karma	Mountie	Scout	Dependoweb (GW)
Westveco		Celesta	Sterling	Citation	
			American Eagle		

(R) Recycled (GW) Groundwood \* Somerset is available as a recycled and as a virgin grade.

# sappi

Sappi Fine Paper North America S.D. Warren Services Company  
 225 Franklin Street Boston, MA 02110 Telephone 1.800.882.IDEA  
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Associate General Counsel

Fine Paper  
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